

Message Text

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PAGE 01 CARACA 08054 281245Z
ACTION EB-08

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E.O. 11652: N/A
TAGS: EWWT, VE
SUBJECT: GOV RESOLUTION RE PORT OF ORIGIN REQUIREMENTS FOR
MARITIME SHIPPING

1. GOV MINISTRY OF TRANSPORT AND COMMUNICATIONS HAS ISSUED RESOLUTION
(PUBLISHED IN OFFICIAL GAZZETTE AUG 15, 1978, COPY POUCHED EB/TRA/
MA) WHICH REQUIRES THAT MARITIME TRANSPORT OF MERCHANDIZE IMPORTED
INTO VENEZUELA MUST BE DONE ON THE SAME VESSEL FROM PORT OF ORIGIN TO
THE VENEZUELAN NATIONAL PORT OF DESTINATION. ONLY EXCEPTIONS TO THIS
PROHIBITION ON TRANS-SHIPMENT OF VENEZUELAN-BOUND CARGO ARE IN CASES
OF MARITIME AGREEMENTS APPROVED BY NATIONAL EXECUTIVE AND IN THOSE
CASES SPECIFICALLY APPROVED ON INDIVIDUAL BASIS BY THE DIRECTOR
GENERAL OF TRANSPORT AND MARITIME TRANSIT.

2. THE LOCAL AGENT FOR SEALAND, ROBERT H. ERDRICH, CALLED AT
EMBASSY AUG. 25 TO EXPRESS SERIOUS CONCERN OVER RESOLUTION'S
EFFECT ON SEALAND'S CONTEMPLATED OPERATIONS TO VENEZUELA IN
CONJUNCTION WITH VENEZUELAN SHIPPING COMPANY VENEBUQUES C.A.
EDRICH EXPLAINED THAT SEALAND HAS SIEX APPROVAL TO OBTAIN 20 PER
CENT EQUITY IN VENEBUQUES, WHICH HAS A SHIPPING ROUTE FROM PUERTO
RICO TO VENEZUELA. THE AGREEMENT HAS NOT BEEN CONSUMATED, IN
PART DUE TO THE IMPLICATIONS OF THE NEW LAW. SEALAND HAD
PLANNED TO CARRY GOODS FROM U.S. TO P.R. AND THEN TRANS-SHIP
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THEM TO VENEZUELA ABOARD VENEBUQUENS'S VESSELS. ERDRICH STATED
SEALAND WOULD LIKE TO SEE RESOLUTION RESCINDED. IN MEANTIME,
ON THEORY THAT PORT OF ORIGIN MEANS LAST NATIONAL PORT PRIOR
TO EMBARKATION FOR VENEZUELA (CABOTAGE TRAFFIC NOT BEING SUBJECT
TO FOREIGN CONTROL), HE PLANS TO TEST LAW BY SHIPPING CONTAINER
FROM MAINLAND THROUGH P.R. WITH TWO DIFFERENT BILLS OF LADING.
VENEBUQUES BILL OF LADING (THE SECOND ONE) WOULD SHOW PUERTO

RICO AS PORT OF ORIGIN.

3. IT APPEARS TO EMBASSY THAT WHILE PHRASING OF LAW IS NOT IN
ITSELF DISCRIMINATORY, IN EFFECT ITS OPERATION WOULD DISCRIMINATE
AGAINST SEALAND/VENEBUQUES, AND PERHAPS OTHER U.S. SHIPPING LINES.
PRIOR TO RAISING MATTER WITH GOV AUTHORITIES, POST REQUESTS
GUIDANCE FROM DEPT, SPECIFICALLY IS RESOLUTION CONTRARY TO
ANY INTERNATIONAL AGREEMENTS, CUSTOMARY INTERNATIONAL LAW OR
ACCEPTED MARITIME PRACTICES?
CROWLEY

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